

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

COMMERZBANK AG,

Plaintiff,

-against-

U.S. BANK NATIONAL ASSOCIATION,

Defendant.

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Index No. 16-cv-04569-DLC

**DECLARATION OF RYAN A. KANE IN SUPPORT OF PLAINTIFF'S
MOTIONS TO EXCLUDE THE TESTIMONY OF DEFENDANT'S EXPERTS**

I, RYAN A. KANE, hereby declare:

1. I am a partner with the law firm Wollmuth Maher & Deutsch LLP, counsel for Plaintiff in the above-captioned action. I am familiar with the facts set forth herein on the basis of my personal knowledge and my review of documents in the possession of my firm.

2. I respectfully submit this declaration in support of Plaintiff Commerzbank's Motions to Exclude the Testimony of Marcel Bryar, John V. Contino, David J. Denis, Michael Forester, Steven R. Grenadier, Christopher M. James, and Samuel Warren.

Marcel Bryar

3. Annexed hereto as Exhibit 1 is a true and correct copy of the Rebuttal Expert Report of Marcel Bryar, dated as of May 7, 2019.

4. Annexed hereto as Exhibit 2 is a true and correct excerpted copy of the deposition transcript of Marcel Bryar, dated as of June 5, 2019.

5. Annexed hereto as Exhibit 3 is a true and correct copy of the Pooling and

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Servicing Agreement for the ABSHE 2006-HE5 Trust, dated as of July 1, 2006.

6. Annexed hereto as Exhibit 4 is a true and correct copy of the Pooling and Servicing Agreement for the GSAMP 2006-HE5 Trust, dated as of August 1, 2006.

7. Annexed hereto as Exhibit 5 is a true and correct copy of the Pooling and Servicing Agreement for the GSAMP 2006-HE6 Trust, dated as of September 1, 2006.

8. Annexed hereto as Exhibit 6 is a true and correct copy of the Supplemental Expert Report of Ingrid Beckles, dated April 2, 2019, supplemented on May 28, 2019, and revised on September 27, 2019

9. Annexed hereto as Exhibit 7 is a true and correct excerpted copy of the deposition transcript of Ingrid Beckles, dated as of June 20, 2019.

10. Annexed hereto as Exhibit 8 is a true and correct copy of Exhibit 1324 to the deposition of Marcel Bryar, dated as of February 28, 2012.

John V. Contino

11. Annexed hereto as Exhibit 9 is a true and correct copy of the Amended Expert Report of John Contino, dated as of April 2, 2019, amended June 4, 2019.

12. Annexed hereto as Exhibit 10 is a true and correct copy of the Amended Rebuttal Expert Report of John Contino, dated as of May 7, 2019, amended June 4, 2019.

13. Annexed hereto as Exhibit 11 is a true and correct excerpted copy of the deposition transcript of John Contino, dated as of June 7, 2019.

14. Annexed hereto as Exhibit 12 is a true and correct copy of the Rebuttal Report of Mark Adelson, dated as of May 7, 2019.

David J. Denis

15. Annexed hereto as Exhibit 13 is a true and correct copy of the Expert Report of

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David Denis, dated as of April 2, 2019.

16. Annexed hereto as Exhibit 14 is a true and correct copy of the Expert Rebuttal Report of David Denis, dated as of August 11, 2021.

17. Annexed hereto as Exhibit 15 is a true and correct excerpted copy of the deposition transcript of David Denis, dated as of June 18, 2019.

18. Annexed hereto as Exhibit 16 is a true and correct excerpted copy of the deposition transcript of David Denis, dated as of October 6, 2021.

Michael Forester

19. Annexed hereto as Exhibit 17 is a true and correct copy of the Amended and Supplemental Rebuttal Expert Report of Michael Forester, dated as of October 21, 2021, with the exception of Appendix I.

20. Annexed hereto as Exhibit 18 is a true and correct copy of the Amended Rebuttal Expert Report of Michael Forester, dated as of August 27, 2021, with the exception of Appendices C-E.

21. Annexed hereto as Exhibit 19 is a true and correct copy of the Amended Consolidated Complaint filed by U.S. Bank in the *U.S. Bank N.A. v. DLJ Mortg. Capital, Inc.*, Index No. 652644/2012, ECF No. 79 (July 3, 2013).

22. Annexed hereto as Exhibit 20 is a true and correct excerpted copy of the deposition transcript of Michael Forester, dated as of October 28, 2021.

23. Annexed hereto as Exhibit 37 is a true and correct excerpted copy of Appendix D to the Amended Rebuttal Expert Report of Michael Forester, dated as of August 27, 2021.

Steven R. Grenadier

24. Annexed hereto as Exhibit 21 is a true and correct copy of the Supplemental

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Rebuttal Expert Report of Steven Grenadier, dated as of November 22, 2019.

25. Annexed hereto as Exhibit 22 is a true and correct copy of the Second Amended Rebuttal Expert Report of Steven Grenadier, dated as of October 29, 2021.

26. Annexed hereto as Exhibit 23 is a true and correct excerpted copy of the deposition transcript of Steven Grenadier, dated as of November 10, 2021.

27. Annexed hereto as Exhibit 24 is a true and correct copy of Exhibit 1471 to the deposition of Steven Grenadier, dated as of November 7, 2021.

Christopher M. James

28. Annexed hereto as Exhibit 25 is a true and correct copy of the Expert Report of Christopher James, dated as of April 2, 2019.

29. Annexed hereto as Exhibit 26 is a true and correct copy of the Rebuttal Report of Christopher James, dated as of May 7, 2019.

30. Annexed hereto as Exhibit 27 is a true and correct copy of the Expert Report of Christopher James, dated as of November 20, 2020.

31. Annexed hereto as Exhibit 28 is a true and correct copy of the Amended Rebuttal Expert Report of Christopher James, dated as of October 29, 2021.

32. Annexed hereto as Exhibit 29 is a true and correct excerpted copy of the deposition transcript of Christopher James, dated as of June 18, 2019.

33. Annexed hereto as Exhibit 30 is a true and correct excerpted copy of the deposition transcript of Christopher James, dated as of November 11, 2021.

Samuel Warren

34. Annexed hereto as Exhibit 31 is a true and correct copy of the Expert Report of Samuel Warren, dated as of April 2, 2019.

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35. Annexed hereto as Exhibit 32 is a true and correct copy of the Rebuttal Expert Report of Samuel Warren, dated as of May 7, 2019.

36. Annexed hereto as Exhibit 33 is a true and correct copy of the Amended Rebuttal Expert Report of Samuel Warren, dated as of October 25, 2021.

37. Annexed hereto as Exhibit 34 is a true and correct excerpted copy of the deposition transcript of Samuel Warren, dated as of June 20, 2019.

38. Annexed hereto as Exhibit 35 is a true and correct excerpted copy of the deposition transcript of Samuel Warren, dated as of October 29, 2021.

39. Annexed hereto as Exhibit 36 is a true and correct copy of Ex. 1388 to the deposition of Samuel Warren, dated March 24, 2016.

I declare under penalty of perjury under the laws of the United States of America and the State of New York that the foregoing is true and correct.

Dated: December 15, 2021
New York, New York

By: /s/ Ryan A. Kane
Ryan A. Kane